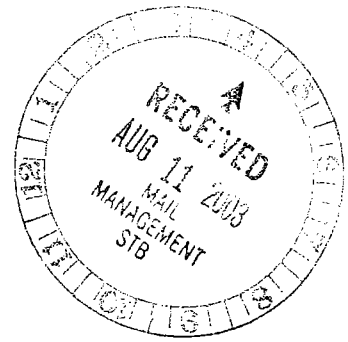


EXHIBIT 6



Before the
SURFACE TRANSPORTATION BOARD

ALLEGHENY & EASTERN RAILROAD, INC.
NOTICE OF EXEMPTION OF ABANDONMENT
FROM REGULATION
PURSUANT TO
49 C.F.R. §1152.50

ENTERED
Office of Proceedings
AUG 11 2003
Part of
Public Record

Elk County and Cameron County, Pennsylvania

Docket No. 854 (X)

ENVIRONMENTAL/HISTORIC REPORT

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(215) 563-9400
Attorney for
Allegheny & Eastern Railroad, Inc.

Dated: August 8, 2003

STB0010

Before the
SURFACE TRANSPORTATION BOARD

ALLEGHENY & EASTERN RAILROAD, INC.
NOTICE OF EXEMPTION OF ABANDONMENT
FROM REGULATION
PURSUANT TO
49 C.F.R. §1152.50

Elk County and Cameron County, Pennsylvania

Docket No. 854 (X)

ENVIRONMENTAL/HISTORIC REPORT

Allegheny & Eastern Railroad, Inc. ("Applicant") will be filing a verified notice of abandonment on or about September 8, 2003. This report is being filed in connection therewith in accordance with the requirements of 49 C.F.R. §§1105.7 and 1105.8. To prepare this report Applicant consulted with various state and federal agencies. See the letters attached as Exhibit A. Based on the written responses attached as Exhibit B, and the oral responses noted in the Response Log attached as Exhibit C. Applicant states as follows:

A. ENVIRONMENTAL REPORT
(49 C.F.R. §1105.7)

1. Proposed action and alternatives

Applicant proposes to abandon a portion of its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.9¹). No service has been provided on this line by Applicant for over two years. Abandonment of the line will allow Applicant to salvage the track and materials. At this time, there appears to be no alternative to the proposed action. See Exhibit D for a topographical map of the line to be abandoned.

2. Effects on transportation system

Since no traffic has been handled on the line for over two years, no traffic will be diverted. The proposed abandonment will have no effect on regional or local transportation systems or patterns.

3. Land use

(i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant served notices of the proposed abandonment

¹In the letters sent by Applicant, the ending milepost was stated as "149.95". Applicant has determined that the proper end point of the abandonment is at milepost 149.9.

on: Pennsylvania State Conservation Commission, National Park Service (Northeast Region), National Park Service (National Center For Recreation and Conservation), National Park Service (Land Resources Division), Pennsylvania Department of Conservation and Natural Resources, Elk County Commissioner, Cameron County Board of Commissioners, The National Geodetic Survey N-NGS2, Cameron County Conservation District, Elk County Conservation District, USDA Natural Resources Conservation Service (State Conservationist), and Pennsylvania Department of Conservation and Natural Resources. See Exhibit A. No responses have been received.

Applicant did receive a copy of a letter, dated June 25, 2003, from Mr. Richard A. Snay, Chief of the National Geodetic Survey (National Ocean and Atmospheric Administration) addressed to Victoria J. Rutson, Chief of the Section of Environmental Analysis (Surface Transportation Board), that provides a listing of 30 geodetic markers that may be affected by the proposed abandonment. Mr. Snay notes that if the markers are to be disturbed or destroyed, at least 90 days notice is required. The proposed abandonment will not affect these markers.

(ii) The proposed action is believed to have no affect on any prime agricultural land. Notice of the abandonment has been served on the USDA Natural Resources Conservation Service, a copy of which is attached as part of Exhibit A. No response has been received.

(iii) Notice of the abandonment has been served on the Office For River Basin Cooperation, Coastal Zone Management Program, Pennsylvania Department of Environmental Protection, a copy of which is attached as part of Exhibit A. The Coastal Zone Management Program's response by letter, dated June 12, 2003, see Exhibit B, stated that the abandonment is located outside of Pennsylvania's Coastal Zones and will not impact these zones.

(iv) This property is located primarily in a rural area. Although there are no current plans for the right-of way to be turned over for public use, the Borough of Emporium telephoned on behalf of Elk County and Cameron County, and expressed interest in a rail banking agreement. See the Response Log attached as Exhibit C. During a telephone call, the Borough of Emporium's Manager stated that the parties understood that it was too soon to file a request for a rail banking agreement.

4. Energy

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on recyclable commodities.

(iii) Since the line has not been used for at least the past two years, there will be no effect on overall energy efficiency.

(iv) The proposed abandonment will not divert any

traffic from rail to motor carriage since there has been no local traffic on the line.

5. Air

The proposed abandonment will not result in any increases in rail or truck traffic or activity.

6. Noise

The proposed abandonment will not result in any increase in noise levels.

7. Safety

The proposed abandonment will not have any effect on public health or safety.

8. Biological Resources

(i) Applicant has given notice of the proposed abandonment to the US Fish and Wildlife Service's Pennsylvania Regional Office, see Exhibit A. The US Fish and Wildlife Service's response letter, dated June 24, 2003 (see Exhibit B), states that there are no "National Wildlife Refuges, National Fish Hatcheries nor National Environmental Centers operated by the Fish and Wildlife Service within the vicinity of the proposed site". The letter further notes that "except for occasional transient species, no federally listed or proposed threatened or endangered species ... are known to occur within the project impact area" and that "no biological assessment nor further consultation under the Endangered Species Act ... are required with the Service. This

determination is valid for two years from the date of this letter."

Based on this response, Applicant does not believe the action will adversely affect endangered or threatened species or critical habitats, wildlife sanctuaries or refuges, or National or State parks or forests.

(ii) Applicant does not believe wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. Further, based on a suggestion in the US Fish and Wildlife Service's response letter, dated June 24, 2003, Applicant sent additional notice of the proposed abandonment to the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission, see Exhibit A. The US Fish and Wildlife Service's response letter also recommended contacting the following agencies who were already included in Applicant's initial mailing for the abandonment, see Exhibit A: Pennsylvania Department of Conservation and Natural Resources and the Department of Environmental Protection. To date, no response has been received from the Pennsylvania Department of Conservation and Natural Resources.

The Pennsylvania Department of Environmental Protection ("PA DEP") responded in a Certified letter dated June 27, 2003, see Exhibit B. The response states that "Chapter 105 of the Department of Environmental Protection's regulations requires a permit prior to the abandonment of any stream crossings". Applicant is

consulting further with PA DEP to determine what permits if any, will be required in connection with abandonment and salvage of the rail line. Applicant will comply with any applicable regulations.

The Pennsylvania Game Commission telephoned Applicant on July 22, 2003 to determine the exact location and ownership of the line. Applicant faxed the history of the line, a copy of which is attached to this report as Exhibit H. A log of the relevant telephone calls is included in Exhibit C.

The Pennsylvania Fish and Boat Commission responded by letter dated July 10, 2003, that the "Commission had no comment on this issue." See Exhibit B.

9. Water

(i) The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. No effect is expected on water quality. Further Applicant received a response from PA DEP, stating that: "Crossings that may affect adjacent property owners because they are too small or deteriorated may need to be removed during the abandonment of the line. Structurally sound culverts/bridges may remain in place under a permit that would be issued..." As noted, Applicant will comply with any applicable regulations.

(ii) Applicant has received a letter dated July 15, 2003 from the Department of the Army, Corps of Engineers, stating that no permit is required from them because the project does not

include "the placement of fill into any wetland area or other waters of the United States" (see Exhibit B). Further, to the best of Applicant's knowledge, the proposed abandonment does not contain either wetlands or 100-year flood plains.

(iii) Applicant has sent notice of the intended abandonment to the US Environmental Protection Agency (Region 3), the Pennsylvania Department of Environmental Protection's Northwest Regional Office and the Pennsylvania Department of Environmental Protection's Northcentral Regional Office, see Exhibit A. Applicant has received no response from the US Environmental Protection Agency (Region 3) or from the Pennsylvania Department of Environmental Protection's Northwest Regional Office. The response from the Pennsylvania Department of Environmental Protection's Northcentral Regional Office, discussed previously, contained no reference to the Clean Water Act. The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards.

10. Proposed Mitigation

Since no adverse environmental impacts are expected, no mitigation is proposed.

11. Additional Information for Rail Constructions

Not applicable.

12. Consultation

As shown by the copies of letters attached hereto as

Exhibit A, Applicant has consulted with Secretary of the Commonwealth, Pennsylvania State Conservation Commission, Pennsylvania Department of Environmental Protection (Northwest Regional Office), Pennsylvania Department of Environmental Protection (Northcentral Regional Office), Office For River Basin Cooperation (Pennsylvania Department of Environmental Protection), Elk County Commissioner, Cameron County Board of Commissioners, Environmental Protection Agency (Region 3), US Fish and Wildlife Service (Regional Office for Pennsylvania), U.S. Army's Corps of Engineers (Pittsburgh District), National Park Service (Northeast Region), National Park Service (National Center For Recreation and Conservation), National Park Services (Land Resources Division), USDA Natural Resources Conservation Service, Pennsylvania Department of Conservation and Natural Resources, The National Geodetic Survey (National Ocean and Atmospheric Administration), Cameron County Conservation District, Elk County Conservation District, Pennsylvania Game Commission's Bureau of Law Enforcement (North Central Regional Office), and Pennsylvania Fish and Boat Commission (Northcentral Region). Written responses were received only from the following agencies: Secretary of the Commonwealth, Pennsylvania Department of Environmental Protection (Northcentral Regional Office), Office For River Basin Cooperation (Pennsylvania Department of Environmental Protection), United States Fish and Wildlife Service (Pennsylvania Regional Office), Department Of The

Army Corps of Engineers (Pittsburgh District), National Geodetic Survey (National Ocean and Atmospheric Administration), and Pennsylvania Fish and Boat Commission (Northcentral Region). Copies of the written responses are attached hereto as Exhibit B.

The only oral contact, subsequent to the receipt of a written response, was with PA DEP - Northcentral Regional Office and with the Pennsylvania Game Commission Bureau of Law Enforcement (North Central Regional Office) [for the latter, see above Paragraph A. 8(ii)]. PA DEP responded to a request by the Applicant for clarification as to the required Permit. Although not sent an Environmental Notice, telephone calls were also received from the Borough of Emporium pertaining to rail banking. A log of the responses and all telephone calls is attached as Exhibit C.

13. Certifications

Applicant certifies that it:

- (a) Consulted with the agencies listed in 49 C.F.R. §1105.7(b), as described in paragraph No. 12 above;
- (b) Sent on this date copies of this report to each of the agencies consulted;
- (c) Published on July 10th, 17th and 24th, 2003, a notice in the The Daily Press, a paper with general circulation in Elk and Cameron Counties in Pennsylvania in the form specified in 49 C.F.R. §1105.12, that alerted the public to the proposed

abandonment, to available reuse alternatives, and to how it may participate in this proceeding. A copy of the proof of publication is attached as Exhibit E; and

(d) Will not file its verified notice of abandonment until at least twenty (20) days after the agencies have been served with a copy of this report.

B. HISTORIC REPORT
(49 C.F.R. §1105.8)

The information required by 49 C.F.R. §1105.7(e)(1) is set forth in Section A.1 above.

1. U.S.G.S. Topographic Map

U.S.G.S. topographic map showing the location of the proposed abandonment is attached hereto as Exhibit D.

2. Description Of Right Of Way

Applicant proposes to abandon a portion of its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.9). This line traverses through United States Postal ZIP Codes 15857 and 15834. This property is located primarily in a mountainous rural area. At points, small streams parallel and/or cross under the line. See Exhibits D, F and G. The width of the right of way varies. However, the right of way is predominately 66 feet wide.

The proposed abandonment includes a stone inlet archway and four deck bridges. Photographs of these structures and their surrounding terrain are attached as Exhibit F. The locations and the dimensions of these structures are included in the chart attached as Exhibit G. Applicant does not currently intend to alter or remove these structures.

3. Dates Of Construction

Information in Applicant's possession concerning the stone inlet archway and deck bridges, their dates of construction and known repairs is shown in the attached chart as Exhibit G. Information on mid-sized culverts along the line is also included in Exhibit G.

4. Photographs

Photographs of the line, including the stone inlet archway, the deck bridges, and the immediate surrounding area are attached as Exhibit F.²

5. History Of Carrier Operations In The Area

A history of the line proposed to be abandoned and its carrier operations is attached as Exhibit H. Because of the lack of service, Applicant proposes to abandon the line and to salvage the track materials. All track removal work will be done on top of the road bed. Nothing beneath the road bed will be disturbed.

6. Documentation of Historic Structures

The structures on this line that are 50 years old or older are the stone inlet archway and the four deck bridges that are identified in Exhibit G. Their dates of construction and any known repairs are included in the chart. The Applicant's records on these structures are contained on microfilm in the Applicant's

²Applicant has not included photographs of these culverts as they are not prominent structures, and they handle only intermittent water flows.

possession. The line also contains one known historic mid-sized culvert, see Exhibit G. This culvert was constructed of concrete in 1952. This information was derived from a review of the maps of the proposed abandonment and the Applicant's inspection reports.

7. National Register of Historic Places/ Archaeological Resources


The proposed abandonment consists of the tracks, the track bed, deck bridges, a stone inlet archway and culverts. The historic features are: the stone inlet archway, the four deck bridges and the concrete culvert. Notice of the planned abandonment was served upon the Pennsylvania Historical and Museum Commission ("PA Historical Commission"). See Exhibit A. The PA Historical Commission responded by letter, dated July 10, 2003, that they required more information in order to evaluate the effect of the abandonment on the historic properties, see Exhibit B. This Historic Report will serve as Applicant's response to the PA Historical Commission's request.

As the proposed abandonment is not anticipated to affect the historic stone inlet archway, the deck bridges or the concrete culvert beyond the removal of the rails, the abandonment should not raise any concerns with the PA Historical Commission.

8. Environmental Conditions

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archaeological recovery of resources or the surrounding terrain.

Respectfully submitted,



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Philadelphia, PA 19103
(215) 563-9400
Attorney for
Allegheny & Eastern Railroad, Inc.

Dated: August 8, 2003

EXHIBIT A

STB0026

213 WEST MINER STREET
PO BOX 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

G&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 30, 2003
VIA: FIRST CLASS MAIL

Pennsylvania Fish and Boat Commission
Northcentral Region
466 Robinson Lane
PO Box 5306
Bellefonte, PA 16823

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

This letter is to advise you that Allegheny & Eastern Railroad, Inc. ("ALY") proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP Codes 15857 and 15834. A map showing the location of the line is attached.

No local service has been provided on the line for over two years. ALY plans to seek Surface Transportation Board authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about August 4, 2003 in Docket No. 854 (X).

ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

STB0027

GOLLATZ, GRIFFIN & EWING, P.C.

PA Fish and Boat Commission, page 2

June 30, 2003

We would appreciate an expression from you by July 7, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

STB0028

EXHIBIT B

STB0072

213 WEST MINER STREET
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ATTORNEYS - AT - LAW

LEA D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

FACSIMILE TRANSMITTAL FORM

DATE: JULY 22, 2003

TO: JASON RAUP (717) 787-6957 *PA Game Commission*

FROM: LEA BELLIS *LB*

THE ORIGINAL WILL NOT BE MAILED TO YOU.

NO. OF PAGES (INCLUDING THIS COVER SHEET): 2

MESSAGE: Let me know if you need anything more. Lea

THIS FAXED MATERIAL AND THE INFORMATION CONTAINED IN IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

STB0073

Allegheny & Eastern Railroad, Inc.
Brief History of Construction & Operation of the
Emporium to St Marys, PA Rail Line

The rail line between Emporium and St Marys was constructed in 1864 by the Philadelphia and Erie Railroad Company (Pennsylvania Railroad Company was lessee) and was subsequently operated by same.

The Philadelphia and Erie Railroad Company was merged into The Pennsylvania Railroad Company in 1907.

The New York Central Railroad Company merged into The Pennsylvania Railroad Company in 1968 and the surviving entity became the Penn Central Transportation Company. Penn Central Transportation Company filed for bankruptcy in 1970.

Penn Central Transportation Company conveyed the rail line to Consolidated Rail Corporation in 1976.

Consolidated Rail Corporation conveyed the rail line to Allegheny Railroad Company (a subsidiary of Hammermill Paper Company) in 1985.

Allegheny Railroad Company (then a subsidiary of International Paper Company) conveyed the rail line to Allegheny & Eastern Railroad, Inc. in 1992.

Both freight and passenger services were provided on the line from its inception in 1864 until the early 1960's, when passenger service was discontinued.

From the time of acquisition by Allegheny Railroad Company in 1985 to the present, there were no customers of common carrier freight services located on the Emporium to St Marys rail line. A small amount of interchange traffic with Consolidated Rail Corporation at Emporium was handled over the line into the 1990's by Allegheny Railroad Company and later Allegheny & Eastern Railroad, Inc.¹

Other carriers operated unit trains over the line under special contract service for International Paper Company. This overhead contract service ended in late 2001 with the closure of International Paper Company's Erie Mill. There is not currently any overhead traffic on the line.

¹ Limited exempt contract (non-common carrier) freight service was provided thereafter by other carriers to Hammermill Paper Company (later International Paper Company) at Hammermill's Emporium Wood Yard. This service terminated in late 2000, when the Emporium Wood Yard was closed.